

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2019-390-E**

IN RE: Ganymede Solar, LLC,)	
)	
v.)	MOTION
)	FOR PROTECTIVE ORDER
Dominion Energy South Carolina,)	
Incorporated)	
)	
Respondent.)	
	—	

INTRODUCTION

Ganymede Solar, LLC (“Ganymede”) has both an Amended Petition and Motion to Maintain Status Quo, pending in this Docket.

Ganymede’s Amended Petition clearly stated on page “5”:

“DESC is named as a Respondent, because DESC will be affected by future Orders of this Commission in this matter, **but the relief sought is expressly from this Commission and not DESC, because of DESC’s general position that absent an Order from this Commission, DESC cannot allow the type of relief sought by the Project.**”

Despite the fact that **Ganymede is not seeking relief from Dominion Energy South Carolina, Incorporated, (“DESC”)** and **because** DESC’s general position is that DESC cannot offer any relief to Ganymede, absent an Order from this Commission, DESC has inexplicably served discovery requests on Ganymede. It is nonsensical for DESC to maintain that it can play no material part in this dispute and that it cannot offer any relief for Ganymede in this dispute, but that DESC nonetheless wants to engage in discovery. Simply stated, DESC’s discovery requests are inappropriate and represent an undue burden by expense. Accordingly, Ganymede’s Motion for Protective Order follows.

DESC’s Discovery Requests.

DESC’s discovery requests, served on January 17, 2020, included 14 Requests for Admissions, 29 Interrogatories, including subparts, and 18 Requests for Production of documents propounded to Ganymede.

MOTION

1. Ganymede, incorporating the Introduction hereinabove, hereby moves the Public Service Commission of South Carolina (hereinafter as, "Commission"), pursuant to this Commission's Regs., R. 103-829, R. 103-833 and R. 103-835; Rule 26(c)(1), of the South Carolina Rules of Civil Procedure; and other applicable Rules and Regulations of this Commission, for a Protective Order in the above-referenced Docket.

2. This Motion is relevant to DESC's Discovery Requests to Ganymede as denominated hereinabove, including future and subsequent Discovery Requests to Ganymede, (hereinafter as, the "Discovery Requests").

Request to Toll Discovery Deadlines.

3. As is discussed in more detail herein, by and through this Motion, Ganymede requests that this Commission toll the deadline for Ganymede to respond to DESC's Discovery Requests, because of Ganymede's timely filing and service of this Motion for Protective Order.

Grounds for Motion.

4. The grounds for this Motion are as follows:

First, incorporating the Introduction and numbered paragraphs "1", "2", and "3" hereinabove, and the uncontroverted fact of DESC's general position that absent an Order from this Commission, DESC cannot provide the type of relief sought by the Project.

Second, it is nonsensical for DESC to maintain that it can play no material part in this dispute and that it cannot offer any relief for Ganymede in this dispute, but that DESC nonetheless wants to engage in discovery.

Third, DESC's discovery requests are inappropriate and will cause an undue burden by expense on their face, because DESC knew when it served the Discovery Requests described hereinabove, that DESC's Discovery Requests would serve no legitimate discovery purpose, based on grounds one and two hereinabove.

Ganymede Faces Particularized Harm.

5. This Motion should be granted in that Ganymede will suffer particularized harm, in that Ganymede would otherwise be responding to inappropriate and improper Discovery Requests that will cause an undue burden by expense, the need for which is (i) belied by DESC's general position is that DESC cannot offer any relief to Ganymede, absent an Order from this Commission (ii) nonsensical for DESC to maintain DESC can play no material part in this dispute, and DESC cannot offer any relief for Projects, such as Ganymede in this dispute, yet DESC wants to engage in discovery and (iii) any such response by Ganymede would be inappropriate, causing an undue burden by expense and time. Out of an abundance of caution, Ganymede will denominate Ganymede's objections to DESC's Discovery Requests before Ganymede's due date, in a separate filing.

CONCLUSION

Based on the foregoing, the Introduction and paragraphs "1", "2", "3", "4" and "5" hereinabove, which is good cause shown, this Commission should issue the requested Order of Protection tolling any requirement that Ganymede respond to DESC's Discovery Requests, based on the reasons stated hereinabove. This Commission should grant the relief sought and such other and further relief as it may deem appropriate.

This 4th day of February, 2020

Respectfully Submitted,

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